

## Remarks

### **Introduction**

Applicant thanks the Examiner for carefully considering the subject application.

Regarding the duplicate claim (second claim 42, which was renumbered to 43), Applicant has cancelled the renumbered claim 43. As such, there are no duplicate claims and the numbering is believed to be appropriate as corrected by the Examiner. Further, numerous dependent claims were amended to compensate for the renumbering of claims to maintain proper dependency.

The Examiner has also indicated the allowability of claims 28 and 47 if rewritten in independent form. Applicant has so written the claims and therefore submit that claims 28 and 47 should be allowed.

Regarding the rejected claims, Applicant respectfully disagrees with the obviousness rejection for the reasons set forth below. However, Applicant has amended various claims to more clearly delineate them from the applied references.

### **The combination of Showalter et al. (U.S. Patent No. 4,318,386) and Parzych (U.S. Patent No. 5,709,529)**

The Rejection relies on the combination of Showalter et al. (4,318,386) and Parzych (5,709,529). However, this reliance is misplaced as there is insufficient motivation to make the combination, and, even assuming it is made, the combination fails to show the required claim elements as discussed below.

Specifically, Parzych deals with reducing noise (tones) "generated by the interaction of rotor blade and stationary guide vanes in industrial turbomachinery." Col. 1, lines 6-9 (emphasis added). There is simply no motivation or suggestion

in either reference to adapt or apply this teaching to reduce noise emanating from a throttle in an internal combustion engine, such as noise exacerbated by plastic intake manifolds. Rather, Parzych is non-analogous art that deals with "spinning mode tones" as discussed in its Background of the Invention. Further, the only mention of an engine in Parzych is a tangential discussion referring to aircraft engines in that same section.

As such, the combination is improper.

Furthermore, for each grouping of claims below, the combination fails to show explicitly recited claim features as indicated.

#### **Claims 21, 32, and 53**

The system of Parzych appears to use elements 28 in a non-circular duct. As such, it simply is not relevant to claim 21, which requires that the bore wall have a circular cross section. Likewise, claims 32 and 53 require circular cross sections.

#### **Claims 22, 23, 24, 30, 37, 38, 55**

Applicant can find no teaching that the diffuser should be *downstream* of the throttle valve as required in the claims. In other words, there is simply no teaching in the applied references of where to place the vanes relative to a throttle producing noise in an internal combustion engine. In fact, the vanes of Parzych are located *upstream* of the noise generation site. See Figure 2 of U.S. Patent No. 5,709,529.

**Claims 25, 26, 39**

Applicant can find no teaching that the diffuser should be *downstream* of the throttle valve and *upstream* of fuel injectors as required by the claims.

**Claims 27 and 29**

Applicant can find no teaching of both a first and a second set of vanes as required by the claims.

**Claims 42, 44-46, 48 and 50**

Applicant can find no teaching to mount a body defining an air passage between a throttle body and intake manifold as required by the claims.

**Claim 49**


Again, as mentioned above, the vanes in Parzych are for a square cross-sectional duct, not a circular one.

Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505. A duplicate copy of this sheet is enclosed.

CERTIFICATE OF MAILING


I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 7, 2003.

  
Erin Filsinger

Date of Signature: August 7, 2003

Respectfully submitted,

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